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C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 001536

SIPDIS

DEPARTMENT FOR EUR(JONES),
EUR/SCE(HYLAND/SILBERSTEIN/STINCHOMB); NSC FOR
HELGERSON/WILSON

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TAGS: [PGOV](#) [PREL](#) [PINR](#) [KDEM](#) [KJUS](#) [KAWC](#) [BK](#)
SUBJECT: BOSNIA - DODIK APPEARS TO STEP BACK FROM
CONFRONTATION WITH STATE-LEVEL LAW ENFORCEMENT AND JUDICIARY

REF: A. SARAJEVO 1530
[1](#)B. SARAJEVO 1519

Classified By: Michael Murphy, Reasons 1.4 (b), (d)

[1](#)1. (C) SUMMARY: On September 26, High Representative Lajcak issued a statement acknowledging written assurances from Republika Srpska (RS) PM Milorad Dodik that his government was willing to honor a subpoena presented by State Investigation and Protection Agency (SIPA) in connection with an investigation ordered by the State Prosecutor's Office. Lajcak's personal statement was issued after the Peace Implementation Council (PIC) Steering Board Ambassadors failed to reach consensus on response to an RS Government (RSG) conclusion that it was not obligated to cooperate with SIPA. Though Dodik's written assurances were conditional, Lajcak underscored his expectation that the RSG and its institutions unconditionally and immediately deliver the required documentation to the State Prosecutor's Office. Late on September 27, the RSG stated publicly that its actions were lawful, but that it would send the first tranche of requested documents to Sarajevo on September 29. However, the RSG did not indicate that it would modify the problematic September 11 conclusion that sparked this crisis; and despite its public claims, as of close of business on September 29, it had not yet delivered any documents to SIPA. There is some speculation that Dodik has taken a step back from confrontation because he has now removed incriminating documentation from RSG files. Regardless, the State Prosecutor's Office anticipates additional problems with the RSG as its investigation unfolds even if it appears that the RS has backed off this time. END SUMMARY

Lajcak Issues Personal Statement on Dodik-SIPA Confrontation

[1](#)2. (C) HighRep Lajcak issued his own statement on September 26, following the failure of the PIC Steering Board Ambassadors (SBA) to reach consensus on a response to the RS's challenge to the authority of state-level judicial and law enforcement institutions (Ref A). Lajcak told the press that the SBA had considered RS PM Dodik's reply to Lajcak's September 24 letter expressing grave concern about the RSG's actions. Lajcak noted that Dodik had expressed a willingness to comply with the subpoena, but added that he expects "that the RS government and its institutions without delay or further conditions will deliver to the State Prosecutor all necessary documentation and will respect the applicable laws of BiH." In a departure from its usual practice of issuing press statements in Bosnian and English, OHR published

Lajcak's statement only in Bosnian. An OHR interlocutor told us (in confidence) that Lajcak was delaying publication of the English language version until it was cleared by OHR lawyers. (Comment: The implication of this seems to be that Lajcak failed to ensure that his earlier statement was legally accurate. End Comment).

Dodik finds a face-saving but tactical retreat

13. (C) Late on September 27, the RSG issued a statement responding to Lajcak. The RSG claimed that it had received a letter from the State Prosecutor's Office on September 24, which had indirectly endorsed the RSG's legal assertion that SIPA had failed to follow procedures when presenting its subpoena. With this issue now resolved, the RSG announced that it would deliver by September 29 the first batch of documents requested by the State Prosecutor. (Note: Contrary the RSG's characterization, the State Prosecutor's September 24 letter did not endorse the RS's legal argument about SIPA's conduct. Instead, it simply reaffirmed the RSG's legal obligation to honor SIPA's request. End Note) The RSG also denied "any insinuations" that it was not prepared to cooperate with law enforcement and judicial authorities in combating organized crime and corruption.

Next Steps by State-Level Institutions

14. (C) As of September 29, SIPA had not received any official communication from the RS Government nor had it received any

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of the requested documents. Drew Engel, State Prosecutor's Office Head of the Special Department for Organized Crime (SDOC) told us that his office would soon send SIPA to Banja Luka to request the documentation again. He indicated that SIPA would not, at this point, use force to seize the documents if the RS again chose to violate the subpoena. Engel stressed that SIPA currently only has an order to request information, not a search warrant, but that the State Prosecutor may have to seek one if the RSG refuses to submit all of the requested documentation. Engel remains concerned that the RSG will attempt to avoid honoring the subpoena by delivering only some of the documentation requested or by providing non-certified copies, which are inadmissible in Bosnian courts as evidence.

Did Dodik Retreat or Clean House?

15. (C) OHR lawyers have pointed out that, even if the RSG delivers all or some of the requested documents to SIPA, the RS has ignored OHR's request that the RS bring its September 11 conclusion in line with the laws of Bosnia and Herzegovina. This could lead to the repetition of the confrontation last week should, as it appears likely, additional documents are requested. There is also widespread speculation that an alleged September 25 "bomb threat" to the RS Government building, which involved an increased police presence there and at other RS installations, was staged in order to provide Dodik with sufficient time to either remove or destroy documents that would have incriminated him or his associates. It was noteworthy that the RS police did not deploy any explosive ordinance removal units with the forces that responded to the bomb threat.

ENGLISH